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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,442	12/05/2003	Brett Anthony Cheng	VP102	1018
20178 7590 03/23/2007 EPSON RESEARCH AND DEVELOPMENT INC INTELLECTUAL PROPERTY DEPT 2580 ORCHARD PARKWAY, SUITE 225 SAN JOSE, CA 95131			EXAMINER MISKA, VIT W	
			ART UNIT	PAPER NUMBER
			2833	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/729,442

Applicant(s)

CHENG, BRETT ANTHONY

Examiner

Vit W. Miska

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 14, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent to Lopes.
2. The reference discloses an apparatus and associated method for obtaining accurate local time comprising dedicated timekeeping device 36 maintaining for local time, time synchronization client 12, 18, adapted to transmit a query signal (col. 6, lines 28-30) for querying time server 32 over network 13-20 to cause the time server to provide the current time, access point 22, 24 for producing a wireless signal at 34 for wireless transmission to timekeeping device 36 for synchronization of the local time with the server time, display inherently associated with the suggested "clock" and "microwave" at col. 4, line 6, an Internet suggested at col. 30, line 30 as the part of the network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes, as applied to claim 1 above, in further view of Litwin Jr. et al
4. With respect to claims 5-6, Lopes teaches disposing the synchronization client 12,18 at the access point, as noted above. However, Litwin Jr. et al teach transmitting a query signal by a local timekeeping device as shown at step 102 in Fig. 4 to a remote server for time synchronization. One of ordinary skill in the art having both references would therefore have a suggestion of providing the time synchronization client 12, 18 transmitting the query signal of Lopes at the timekeeping device 36 for receiving the server time only at selected times, as taught by Litwin Jr. et al. for reducing receiver activity and power during idle periods of non-transmission.
5. Regarding claim 8, Lopes suggests activating device 10 at predetermined times for requesting time sever information. Thus, the transmission circuitry of the

synchronization client would thus be "powered down" during the time when the query signals are not transmitted.

6. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes and Litwin Jr. et al, as applied to claim 5, above, in further view of Ishii et al. Lopes suggests receiving time zone information "geographic time" at col. 6, line 30. No disclosure of a "memory" for storing time zone information at the timekeeping device 36 is suggested. However, Ishii et al teach storage of time zone information in a memory of a timekeeping device 7B (Fig. 4) synchronized with a communication network 1 (server). Thus, it would be obvious for one of ordinary skill in the art, at the time the invention was made, to include a memory in device 36 of Lopes for storing time zone information, as done by Ishii et al, in order to provide capability for using the device in different geographical areas.

7. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes. Patentee suggests at col. 4, lines 5ff:

"For example, within the desired communication range, the appliance or peripheral device 36 may be a clock, a microwave oven, a VCR, an audio/stereo system, a personal computer, a facsimile machine, children's toys, or other devices maintaining and using timing devices."

Therefore, it would be obvious for one of ordinary skill in the art that device 36 may be worn on a part of the body, as any one of the suggested timekeeping devices suitable for carrying on the person, e.g. clock or toy.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes. The reference discloses for purposes of these claims dedicated timekeeping device 16, time synchronization client 18, 12 for transmitting a query signal (col. 6, lines 28-30) to time server 32 to cause the latter to provide current server time, access point 30 for producing a signal representative of the current server time for transmission to timekeeping device 16. With respect to the access point producing a wireless signal for transmission to the timekeeping device. Lopes suggests that device 10 may be a cellular telephone (col. 3, lines 61ff) and that access point 30 may be a wireless communication equipment (col. 3, line 13). Thus, it would be obvious for one of ordinary skill in the art to provide communication to server 32 via access point 30 by means of wireless transmission, as suggested by Lopes when the device is a cellular phone. Further, Official notice is taken of the use of either wired or wireless systems for telephone communication devices, and thus the use of either one is an obvious matter of choice dictated by the specific environment or network where such device is required. Regarding claims 22 and 24, the wireless transmission of the query signal transmitted by device 18,12 would follow from the modification described above when the device employs a wireless modem/communication system.

8. Applicant's comments have been given careful consideration, but have not been found persuasive. The argument regarding "current server time" being distinct from the "synchronizing" signal in the reference is not convincing. Patentee states at col. 4, lines 37-38 "In response to the time set code 44, the appliance clock circuitry 46 adjusts or resets the local clock accordingly". Thus, it is apparent that "time set code 44" is a time signal. "representative" of the current time as kept by clock 10 and server 32. Further at col. 4, lines 60ff: "The appliance 36 may *regularly or continually* detect the clock setting pulse, and upon receipt of the pulse, the appliance 36 enters a specific clock adjusting procedure to *tune the clock to the desired time.*" And col. 4, lines 65-66: "microcontroller 18, may generate specific synchronization codes *for specific times during the day.*" (Italics added). Thus, appliance 36 is adjusted to the current time as transmitted from client 12,18 and server 32.

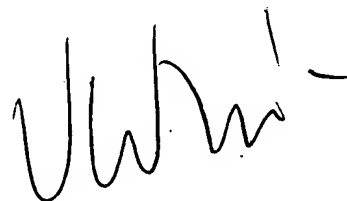
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Bradley can be reached on 571-272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'V W Miska' with a stylized flourish at the end.

Vit W. Miska
Primary Examiner
Art Unit 2833
